

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 19

April 26, 2002

SUBJECT: SEXUAL ASSAULT/SPECIFIED CRIME REPORTING PROCEDURES AND THE REQUEST FOR CONFIDENTIALITY OF INFORMATION, FORM 3.02.0 AND FORM 3.02.01 (SPANISH TRANSLATION) - REVISED

PURPOSE: Several legislative and procedural changes have occurred which affect the Department's documenting of sexual assault and various specified crimes. California law, for example, now requires that the right to confidentiality be extended to include crimes such as stalking, domestic violence and specified civil rights crimes. Additionally, officers completing a sexual assault crime report are instructed to document having provided the victim with a Domestic Violence/Victim Information and Notification Everyday (DVV) Pamphlet, Form 15.42.01, in conjunction with documenting that the victim was advised of the right to a victim's advocate and the right to be interviewed by an officer of the same gender.

In an effort to simplify reporting procedures, this Order revises the method of documenting required information of specific crimes listed in Government Code Section 6254 and revises the Request for Confidentiality of Information, Form 3.02.0 and Form 3.02.01 (Spanish Translation).

PROCEDURE:

I. REQUEST FOR CONFIDENTIALITY OF INFORMATION, FORM 3.02.0 AND FORM 3.02.01 (SPANISH TRANSLATION) - REVISED. The Request for Confidentiality of Information, Form 3.02.0 and Form 3.02.01 (Spanish Translation), have been amended to include check boxes to document that the victim was:

- * Provided a DVV pamphlet;
- * Informed of the right to have an advocate and/or a support person of his/her choosing; and,
- * Informed of his/her right to be interviewed by an officer of the same gender.

Note: The DVV pamphlet, Form 15.42.01, check box eliminates the requirement to document in the narrative of a sexual assault or domestic violence crime report that the victim was given a DVV pamphlet. The check boxes advising the victim of the right to a victim's advocate and/or support person, and the right to be interviewed by an officer of the same gender

eliminate the requirement to document these notifications as the first and second sentences in the narrative of a sexual assault crime report, as instructed in Manual Sections 4/210.36 and 4/210.37.

- A. Use of Forms.** The use of these forms has not changed.
- B. Completion-General.** The Form 3.02.0 or Form 3.02.01 is completed by the employee taking a crime report from any person alleging to be the victim of a sex crime as defined in Government Code Section 6254 which includes Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, and 646.9.

Completion-Other Box. The "Other" box shall be used to document the personal information of any witness or party where the disclosure of their address and/or telephone number would compromise the confidentiality of the victim's information (e.g., roommates or family members who share an address or telephone number with a victim; or, a witness identified in the report narrative as living in a residence or apartment that is adjacent to the victim's).

- C. Distribution.** Distribution of this form remains unchanged.

II. SEXUAL ASSAULT/SPECIFIED CRIME PRELIMINARY INVESTIGATION - OFFICER RESPONSIBILITY. Officers responding to an investigation involving any crime listed in Section 6254 of the Government Code (detailed on Form 3.02.0 or Form 3.02.01) shall:

- * Complete a Request for Confidentiality of Information, Form 3.02, including the "Other" box when appropriate;
- * Complete a Preliminary Investigation Report (PIR), Form 3.01, or Arrest Report, Form 5.2, documenting the victim's first name and last initial **only** in the "Victim Information" section (exclude all other personal information on the PIR or arrest report face sheet);
- * Complete the narrative of the report referring to the victim by his/her first name and last initial;
- * Record the DR number in the upper-right-hand corner of all attached documents. The documents shall then

become pages of the Department's report and numbered accordingly; and,

Note: Officers completing the preliminary investigation of a sexual assault/specified crime **shall no longer** remove the victim's information such as name, address, telephone number, or physical descriptors from any of the attached documents related to the report, including but not limited to the Office of Criminal Justice Planning (OCJP) Medical Report, Forms 923 and 925.

* Provide the victim with a DVV pamphlet.

III. INVESTIGATING OFFICER RESPONSIBILITY. The investigating officer responsible for filing a sexual assault case shall remove the victim's identifying information, with the exception of the victim's first name and last initial, from all copies of reports/documents submitted to the appropriate prosecutor's office.

FORM AVAILABILITY: The Request for Confidentiality of Information, Form 3.02.0 and Form 3.02.01, will be available for ordering from the Department of General Services, Distribution Center, in about 90 days, and will be placed on the Department Local Area Network System. Copies of the English form and Spanish translation form are attached for duplication and immediate use.

AMENDMENTS: This Order amends Sections 3/413.10, 4/210.36, 4/210.37, 5/3.02.00, and 5/3.02.01 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Operations-Headquarters Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

BERNARD C. PARKS
Chief of Police

DISTRIBUTION "A"